

**ASSEMBLY BILL**

**No. 1845**

**Introduced by Assembly Member Correa**

January 28, 2002

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An act to amend Section 7170.5 of the Government Code, relating to state liens.

LEGISLATIVE COUNSEL'S DIGEST

AB 1845, as introduced, Correa. State liens: priority of enforcement: victims restitution fees and orders.

Existing law governing liens on personal and real property provides that multiple state and federal liens filed against a single property interest are to be prioritized in the order in which the liens come into existence without regard to the date on which the liens are filed or recorded.

This bill would provide that liens filed to enforce a victims restitution fine or a victims restitution order take priority over liens filed by the state without regard to the date the lien was filed or came into existence.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7170.5 of the Government Code is  
2 amended to read:  
3 7170.5. (a) Notwithstanding Section 7170, as between  
4 competing state tax liens or as between a state tax lien and a federal  
5 lien described in Section 2100 of the Code of Civil Procedure, with  
6 the exception of liens filed to enforce a restitution fine imposed

1 *pursuant to Section 13967, as operative on or before September*  
2 *28, 1994, or subdivision (b) of Section 1202.4 of the Penal Code,*  
3 *or to enforce a victim's restitution order imposed pursuant to*  
4 *Section 13967, as operative prior to September 28, 1994, or*  
5 *subdivision (f) of Section 1202.4 of the Penal Code, the lien that*  
6 *first comes into existence has priority over the lien that later comes*  
7 *into existence; and this priority is not affected by the recording or*  
8 *filing pursuant to Section 7171 or pursuant to Title 7 (commencing*  
9 *with Section 2100) of Part 4 of the Code of Civil Procedure, of a*  
10 *notice of either or both of the liens.*

11 *(b) A lien filed to enforce either a restitution fine imposed*  
12 *pursuant to Section 13967, as operative on or before September*  
13 *28, 1994, or subdivision (b) of Section 1202.4 of the Penal Code,*  
14 *or to enforce a victim's restitution order imposed pursuant to*  
15 *Section 13967, as operative prior to September 28, 1994, or*  
16 *subdivision (f) of Section 1202.4 of the Penal Code, shall take*  
17 *priority over any liens filed by the state regardless of when the lien*  
18 *was filed or comes into existence.*

